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FILED

JANUARY 2, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Tara Adams Ragone
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE LICENSE OF:

EDELFOSONO RAMON MENDEZ, D.O.
License No. 25MB06674200

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

**FINAL CONSENT ORDER
GRANTING VOLUNTARY
SURRENDER OF LICENSURE**

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of information that a Criminal Complaint had been filed in the United States District Court, District of New Jersey on September 5, 2003, charging Edelfonso Ramon Mendez, D.O. (hereinafter "Respondent") with knowingly and willfully possessing a computer, which computer contained at least three (3) images of child pornography, as defined by 18 U.S.C. § 2256, which were shipped and transported in interstate and foreign commerce and were produced using materials that were shipped and transported in interstate and foreign

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commerce, in violation of 18 U.S.C. § 2252A(a)(5)(B). On October 1, 2003, an Indictment was filed on this charge in the United States District Court, District of New Jersey.

As a condition for bail, the Hon. Mark Falk, United States Magistrate Judge, issued restrictions barring Respondent from being in the presence of any child under the age of eighteen, except for Respondent's own child, and further barring Respondent from rendering medical treatment to any patient under the age of eighteen unless Respondent provides said service in the presence of a chaperone and provides a letter to the parent warning them of the pending criminal charges. Pending resolution of the criminal charge, the Board filed an Interim Consent Order on October 29, 2003 pursuant to which Respondent agreed to have a Board-approved chaperone present whenever he rendered medical treatment to any patient.

A Superseding Indictment filed November 19, 2003 added a count of illegal receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) to the prior Indictment. On December 4, 2004, Respondent waived indictment on a charge of knowingly and willfully possessing computer hard drives that contained at least six-hundred (600) images of child pornography as defined in 18 U.S.C. § 2256(8)(A), in violation of 18 U.S.C. § 2252A(a)(5)(B) and 2.

On December 3, 2004, Respondent pled guilty in federal court in the District of New Jersey to illegally possessing computer hard

drives that contained at least six-hundred (600) images of child pornography, including pictures of pre-pubescent minors, some of whom were under the age of twelve, between January and September 2003. During his plea allocution, Respondent stated under oath that he knew that included among the images he collected and stored on his computer were still photographs and videos depicting actual minors, some of whom were under twelve years of age, engaging in sexually explicit conduct with other minors or adults, as well as photographs of minors posing in a sexually explicit manner.

On July 12, 2005, Respondent was sentenced in the United States District Court, District of New Jersey, inter alia, to imprisonment for a term of thirty-seven (37) months. Upon his release from imprisonment, which at present the Bureau of Prisons projects will take place on March 16, 2008, Respondent then will be placed on Supervised Release for a term of three (3) years. Among the special conditions imposed as terms of his Supervised Release is that Respondent must refrain from employment in the medical profession, whether or not his medical license is suspended, revoked, or reinstated, while on Supervised Release unless and until this condition is amended by the sentencing court upon application of Respondent's Probation Officer. In doing so, the sentencing judge found that there is a reasonably direct relationship between Respondent's occupation as a family physician and the conduct giving rise to his conviction.

Respondent was remanded to custody at the conclusion of his sentencing on July 12, 2005, and presently is in the custody of the United States Bureau of Prisons serving his federal sentence.

Respondent's criminal conduct, to which he admitted under oath by pleading guilty as discussed herein, provides a basis for discipline by the Board pursuant to N.J.S.A. 45:1-21(e), (f), and (i) and N.J.S.A. 45:9-6.

Respondent now seeks leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey, to be deemed a revocation of said license, in accordance with the terms of this Order.

It appearing that Respondent desires to resolve this matter without the initiation of formal disciplinary proceedings, and the Board being satisfied that entry of the within Order is adequately protective of the public health, safety, and welfare, and being satisfied that good cause exists for entry of the within Order,

IT IS on this 28th day of December, 2006

ORDERED:

1. Respondent, Edelfonso Ramon Mendez, D.O., is hereby granted leave and shall immediately surrender his license to practice medicine and surgery in the State of New

Jersey. Said surrender shall be deemed a revocation of his license.

2. Respondent is granted leave to apply for reinstatement of his license to practice medicine and surgery in the State of New Jersey on or after July 12, 2010, five (5) years subsequent to when Respondent was remanded to the custody of the Federal Bureau of Prisons on July 12, 2005, but in no event until he has satisfied the terms of his period of Supervised Release. As a condition of any such application for relicensure, Respondent shall be required to appear before the Board or a Committee thereof to discuss his competence and fitness to practice medicine including, but not limited to:
 - a. Providing reports from each and every mental health professional (including, but not limited to, psychologists, counselors, therapists, and/or psychiatrists) who has participated in Respondent's care and/or treatment from September 5, 2003, when the Criminal Complaint was filed, to the date of his appearance before the Board or a Committee thereof.
 - b. Detailing the steps he has taken during the period of his license surrender to keep his medical knowledge current.

- c. Providing the Board with a full account of his conduct from the date of his discharge from federal custody to his appearance before the Board or a Committee thereof including, but not limited to, his compliance with and the status of his federal Supervised Release.
 - d. Discussing his plans for the future practice of medicine and surgery in New Jersey.
- 3. Respondent shall return his original New Jersey license, any biennial registration cards in his possession, and his original State CDS registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, within five (5) days of his receipt of a filed copy of this Order. Respondent shall not seek another State CDS registration unless and until he is relicensed by the Board.
- 4. Respondent shall immediately notify the Drug Enforcement Administration of the entry of the within Order.
- 5. Respondent shall comply with the attached "Directives Applicable to Any Medical Board Licensee Who Is Disciplined or Whose Surrender of Licensure Has Been Accepted," which Directives are incorporated herein by reference.

STATE BOARD OF MEDICAL EXAMINERS

Sindy Paul, MD
Sindy Paul, M.D., President

I have read and understood the foregoing Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I understand that this Order has serious professional and legal import, and I have decided to enter into this agreement without legal counsel.

Edelfonso Ramon Mendez, D.O.
Edelfonso Ramon Mendez, D.O.

12/13/06
Date